IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO. 732 OF 2002

IN

SUMMARY SUIT NO. 1888 OF 2002

Ashwin Pranlal Mehta .. Plaintiff

vs.

Jhaveri Electric Stores

& Ors. .. Defendants.

Mr. B.G. Wadhwa for plaintiff.

Mr. R.M. Vasudeo for defendant no. 3.

CORAM : S.U. KAMDAR, J.

DATE : 10TH OCTOBER, 2005.

P.C.

. The present suit is filed for recovery of the sum of Rs. 2,08,406.31 in respect of the goods sold and delivered. The case of the defendants is that they have paid Rs. 88,000/- of which credit is not given and reliance has been placed on three stamped receipts at Exhibits 2, 3 and 4 to the affidavit in reply. However the plaintiff disputes the validity of the said receipts by contending that they are fabricated documents and there is no signature of the plaintiff. There is further dispute raised

about interest liability. In my view triable issues arise in the present suit. In that view of the matter, unconditional leave to defend to the defendants.

2. Suit transferred to the list of Commercial Causes. Written Statement or points of defence to be filed four weeks from today. Affidavits list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on Board of the learned Judge taking Commercial Causes.